

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

CHRISTOPHER S. SONTCHI
CHIEF JUDGE



824 N. MARKET STREET
WILMINGTON, DELAWARE
(302) 252-2888

March 23, 2020

Via CM/ECF Notification:

To all counsel in API Americas Inc. - Case No. 20-10239

Re: Protocol for March 25, 2020 - Hearing/Witnesses

Dear Counsel:

I have determined that the March 25, 2020, 2:00 p.m. hearing in this case is time sensitive per my General Order dated March 16, 2020.

I have also determined, after a status conference with the parties and given the nature of the testimony that may be necessary, that it is appropriate to take witness testimony remotely. Such is permissible under Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017) for good cause in compelling circumstances and with appropriate safeguards. Good cause exists and there are compelling circumstances.

We discussed the possible need for testimony from three witnesses. So that the hearing may run as smoothly as possible, and any appropriate safeguards can be implemented, please file the following information on the docket by 9:00 a.m. tomorrow.

For each witness, please supply:

1. The name and title of the witness.
2. The relevant motion(s)/objection.
3. The location of the witness (city, state, country).
4. The place from which the witness will be testifying (e.g., home, office – **no** addresses).
5. Whether anyone will be in the room with the witness during his/her testimony, and if so, who (name/title/relationship to witness) and for what purpose.
6. Whether the witness will have any documents with him/her, and if so, what documents.

If the witness has filed a declaration relevant to the matters to be heard, the declaration should be available to the witness during testimony.

Any party seeking to cross-examine any witness should circulate in advance a list of any exhibits with a reference to the applicable CM/ECF docket number. If an exhibit is not on the docket, please supply by email (pdf) to all relevant parties and the court as soon as possible, but no later than two hours before the hearing. The party sponsoring the witness will be responsible for ensuring that any exhibits are supplied to the witness ahead of the hearing.

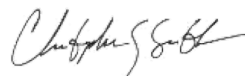
My IT department indicates that the optimal number of skype participants is ten (10), as opposed to CourtCall, which is unlimited. So that we can appropriately plan for the Friday hearing, any attorney desiring to participate by Skype must notify Ms. Gadson at Danielle.Gadson@deb.uscourts.gov by 10:00 a.m. Wednesday. I ask that Skype participation be limited to one attorney per firm, where possible, and that others who do not anticipate addressing the court do not request Skype participation. Of course, anyone who is questioning a witness should participate by Skype.

Ms. Gadson will email a Skype link to all who are participating by Skype. It will be necessary to view video through the Skype link, but **all** audio will be through CourtCall. It is incumbent on the party sponsoring the witness to provide both the Skype link and the CourtCall phone number to the witness as well as to register the witness with CourtCall. We understand there may be a **significant** wait time for CourtCall, so we encourage you to register early and call in early for hearings.

We appreciate your cooperation as we work through this process. If you have any questions (technical or otherwise), please reach out to chambers.

Stay well.

Very truly yours,



Christopher S. Sontchi

CSS/cas